

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

BRIAN DUNAWAY and DONALD "CHRIS")
HAYS,)
Plaintiffs,) CIVIL ACTION NO.:
) 11-cv-20 (WLS)
v.)
SUNTRUST MORTGAGE, INC.,)
Defendant.)

)

**JOINT MOTION TO AMEND SCHEDULING ORDER PENDING
CONCLUSION OF SETTLEMENT NEGOTIATIONS**

COME NOW Plaintiff Brian Dunaway ("Plaintiff Dunaway") and Plaintiff Donald "Chris" Hays ("Plaintiff Hays") (collectively "Plaintiffs") and Defendant SunTrust Mortgage, Inc. ("Defendant SunTrust") (collectively "Parties") and file their "Joint Motion to Amend Scheduling Order Pending Conclusion of Settlement Negotiations" ("Joint Motion") and respectfully show the Court as follows:

1.

On January 28, 2011, Plaintiffs sued Defendant SunTrust Mortgage relating to Defendant SunTrust Mortgage's loan ("Loan") for the acquisition of a condominium located at 10713 Front Beach Road, Unit 801, Panama City Beach, Florida, 32407 ("Property").

2.

Plaintiffs made a settlement proposal to Defendant on April 12, 2011. Defendant SunTrust is continuing to evaluate the Plaintiffs' settlement proposal but has not responded.

3.

The Parties have agreed to withhold expending additional time during settlement negotiations, so litigation expenses will not frustrate settlement efforts.

4.

Because of the settlement negotiations, which constitute good cause, the Parties agree that deadlines in the existing Scheduling Order [Doc. No. 12] should be extended as follows: (a) the deadline to conduct fact discovery should be extended from Monday August 22, 2011, to Friday, October 21, 2011; (b) the deadline to submit dispositive motions should be extended from Wednesday, September 21, 2011, to Monday, November 21, 2011; (c) the deadline for Plaintiffs to designate their expert for their case in chief should be extended from Wednesday, August 24, 2011, until Friday, September 30, 2011; (d) the deadline for Defendant to designate its expert for its case in chief should be extended from Wednesday, September 28, 2011 to Friday, October 28, 2011; (e) the deadline for Plaintiffs to designate a rebuttal expert should be extended from Wednesday, October 12, 2011 to Tuesday, November 15, 2011; and (f) the deadline to file

motions to compel discovery should be either the expiration of discovery, or twenty-one days after the receipt of an allegedly inadequate response, whichever is later.

5.

The Parties show this Joint Motion is not presented for the purposes of delay, and is presented before expiration of any deadlines sought to be extended.

WHEREFORE, the Parties pray:

- (1) that this Joint Motion be granted;
- (2) that the Court enter the proposed Consent Amended Scheduling Order in the form attached hereto as Exhibit "A";
- (3) that deadlines be extended as follows: (a) the deadline to conduct fact discovery should be extended from Monday August 22, 2011, to Friday, October 21, 2011; (b) the deadline to submit dispositive motions should be extended from Wednesday, September 21, 2011, to Monday, November 21, 2011; (c) the deadline for Plaintiffs to designate their expert for their case in chief should be extended from Wednesday, August 24, 2011, until Friday, September 30, 2011; (d) the deadline for Defendant to designate its expert for its case in chief should be extended from Wednesday, September 28, 2011 to Friday, October 28, 2011; (e) the deadline for Plaintiffs to designate a rebuttal

expert should be extended from Wednesday, October 12, 2011 to Tuesday, November 15, 2011; and (f) the deadline to file motions to compel discovery should be either the expiration of discovery, or twenty-one days after the receipt of an allegedly inadequate response, whichever is later;

(4) that the Court grant such other and further relief as is just and proper.

Dated this 3rd day of August, 2011.

Respectfully submitted:

By: /s/ Jimmy L. Paul
JIMMY L. PAUL
Georgia Bar No. 567600
DAVID N. DREYER
Georgia Bar No. 141322

Chamberlain, Hrdlicka, White,
Williams & Aughtry
191 Peachtree Street, N.E., 34th Floor
Atlanta, Georgia 30303
(404) 659-1410
(404) 659-1852 (facsimile)
jimmy.paul@chamberlainlaw.com
david.dreyer@chambelainlaw.com

Respectfully submitted:

By: /s/ Monica K. Gilroy
MONICA K. GILROY
Georgia Bar No. 427520
TANIA T. TRUMBLE
Georgia Bar No. 720348
(Signed by Jimmy L. Paul with
express permission)

Dickenson Gilroy, LLC
3780 Mansell Road, Suite 140
Alpharetta, Georgia 30022
(678) 280-1922
(678) 280-1923 (facsimile)
monica.gilroy@dickensongilroy.com
taniatrumble@dickensongilroy.com

GEORGE P. DONALDSON, III
Georgia Bar No.225500

Perry & Walters, LLP
212 North Westover Boulevard
P.O. Box 71209
Albany, Georgia 31708
(229) 439-0620
(229) 439-7448 (facsimile)
gpdonaldson@perrywalters.com

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CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned has filed using the CM/ECF system a true and correct copy of "**Joint Motion to Amend Scheduling Order Pending Conclusion of Settlement Negotiations**" and has served the following via the CM/ECF system on the following Parties:

Monica K. Gilroy
Tania T. Trumble
Dickenson Gilroy, LLC
3780 Mansell Road, Suite 140
Alpharetta, Georgia 30022

Dated this 11th day of August, 2011.

By: /s/ Jimmy L. Paul
JIMMY L. PAUL
Georgia Bar No. 567600
DAVID N. DREYER
Georgia Bar No. 141322

*Counsel for Plaintiffs Brian Dunaway
and Donald Chris Hays*

Chamberlain, Hrdlicka, White, Williams & Aughtry
191 Peachtree Street N.E., 34th Floor
Atlanta, Georgia 30303-1747
(404) 659-1410
(404) 659-1852 (facsimile)
jimmy.paul@chamberlainlaw.com
david.dreyer@chamberlainlaw.com

EXHIBIT "A"

UNITED STATES DISTRICT COURT
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)

CONSENT AMENDED SCHEDULING ORDER

The Court has read and considered the Parties' "Joint Motion to Amended Scheduling Order Pending Conclusion of Settlement Negotiations". For good cause shown, and on consent of the Parties as evidenced by signatures of their respective Counsel, as set forth below, the Parties' Joint Motion is GRANTED and deadlines are extended as follows:

- 1) Fact discovery is extended in this action from Monday August 22, 2011, to Friday, October 21, 2011.
- 2) The deadline to submit dispositive motions in this action is extended from Wednesday, September 21, 2011, to Monday, November 21, 2011.

3. The deadline for Plaintiffs to designate their expert for their case in chief should be extended from Wednesday, August 24, 2011, until Friday, September 30, 2011;
4. The deadline for Defendant to designate its expert for its case in chief should be extended from Wednesday, September 28, 2011 to Friday, October 28, 2011;
5. The deadline for Plaintiffs to designate a rebuttal expert should be extended from Wednesday, October 12, 2011 to Tuesday, November 15, 2011; and
6. The deadline to file motions to compel discovery should be either the expiration of discovery, or twenty-one days after the receipt of an allegedly inadequate response, whichever is later.

IT IS SO ORDERED, this _____ day of _____, 2011.

W. LOUIS SANDS, JUDGE
THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT

PREPARED AND PRESENTED:

By: /s/ Jimmy L. Paul

JIMMY L. PAUL
Georgia Bar No. 567600
DAVID N. DREYER
Georgia Bar No. 141322

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Williams & Aughtry
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Atlanta, Georgia 30303
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CONSENTED TO:

By: /s/ Monica K. Gilroy

MONICA K. GILROY
Georgia Bar No. 427520
TANIA T. TRUMBLE
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